IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.7855 of 2005

The State of Maharashtra Applicant
Vs.
Ramakant Dayanand Bendase Respondent

Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 13, 2007.

P.C.

. Heard Mr.Shitole, the learned APP. By this application the State is seeking leave to appeal under Section 378(3) of Cr.P.C. against the order of acquittal passed by the learned Special Judge (Prevention of Corruption Act), Raigad - Alibaug in Special Case No.7 of 2002.

. The present respondent was put on trial in the said case for the offences punishable under Sections 7, 11, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

. Though the learned Special Judge held in favour of the prosecution the issue of demand and acceptance of gratification of an amount of Rs.300/- by the accused Talathi, the accused came to be

acquitted only on the ground that the order of sanction under Section 19(1)(c) of the Prevention of Corruption Act. The trial Court referred to a decision of this Court in the case of Baburao Martrao Manekar Vs. State of Maharashtra **[1980 Mh.L.J. 445]** and held that where the appointing authority was the Collector, the Sub Division Officer could not have granted sanction and he being a subordinate office to the Collector as held in the case of Sakharam Trymbak Patil Vs. State of Maharashtra **[1993 Mh.L.J. 276]**.

. Even before this Court the State Government has not been able to place on record any Government Resolution pointing out that the Collector's powers were delegated to the SDO in respect of Talathis for granting sanction under Section 19 of the Prevention of Corruption Act.

. Hence there is no case made out to grant leave to appeal. The application is, therefore, rejected.

(B.H.MARL